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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,467	12/06/2004	Christoph Dietrich	PD020050	1347

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JOSEPH J. LAKS, VICE PRESIDENT
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PATENT OPERATIONS
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EXAMINER

NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,467

Applicant(s)

DIETRICH ET AL.

Examiner

Linh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/07/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4, and 5 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hong et al (US Publication number 20010009535).

In regards to claims 1 and 5, Hong et al discloses a method and an apparatus for optimized tracking of an optical scanner along a track of an optical recording medium, the track having information markings arranged in dense succession (Fig. 3), and also having fundamental changes in properties in significantly lower density (Fig. 3, the depth difference create a higher/lower density), the method comprising; generating of a track error signal (Fig. 1), detecting an occurrence a fundamental change in property

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(Fig. 3, detection of transition of L/G or G/L) of the track, generating an offset value (Fig. 3, δ offset) from the comparison of a value of the track error signal that occurs before the detected fundamental change in property of the track to a value of the track error signal that occurs after the detected fundamental change in property of the track (Paragraph [0012]); generating the track error signal, taking account of the offset value; (Paragraph [0014]) and repeating the aforementioned steps (Fig. 2).

In regards to claim 4, Hong et al discloses the method as claimed in claim 1, wherein a different signal that is impaired by the track offset of the scanner is formed instead of the track error signal (Fig. 1, Xr and X).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong et al in view of Park (US Publication 20020039331).

In regards to claim 2, Hong et al discloses everything claimed in claim 1. However, Hong does not disclose the method, wherein the detection of the occurrence of fundamental changes in properties of the track is effected by detection of a header

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area.

In the same field of endeavor, Park discloses the method, wherein the detection of the occurrence of fundamental changes in properties of the track is effected by detection of a header area (Fig. 4). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify combine the method of Hong to optimized tracking of an optical scanner along the header area of the optical disk as suggested by Park. The motivation for doing so would have been to enable the tracking control to be performed even on a blank disc (Paragraph [0029]).

In regards to claim 3, Hong et al discloses everything claimed as applied above (see claim 1). However, Hong et al fails to disclose the tracking error signal is formed by means of one of the tracking methods: push-pull method, three-beam method and differential push-pull method.

In the same field of endeavor, Park discloses method of tracking error signal by PP and three-beam method (Paragraph [0013]). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the method of optimizing tracking error of APA Hong et al to contain methods of PP and three-beam method as taught by Park. The motivation for doing so would have been to detect an accurate tracking error signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
July 18, 2007


THANG V. TRAN
PRIMARY EXAMINER